

MEMBERS OF THE RESERVE FORCES AMENDMENT REGULATIONS

Contents	Paragraphs
Introduction	1 - 2
Definition	3
Treated as available and treated as actively seeking employment – Jobseeker’s Allowance	4 - 6
Attribution of earnings – Jobseeker’s Allowance, Income Support and Employment and Support Allowance	7 - 9
Disregard	10
Annotations	
Contacts	
Appendix – Territorial or Reserve Forces	

INTRODUCTION

1. This memo provides guidance on the Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015 (SR. 2015 / 184). The changes come into operation on 6.4.15 and affect Jobseeker’s Allowance, Income Support and Employment and Support Allowance¹.

¹ *Social Security (Members of the Reserve Forces) (Amendment) Regulations (NI) 2015, reg 1*

2. The changes amend the rules on the attribution of earnings in Jobseeker’s Allowance, Income Support and Employment and Support Allowance for members of a reserve force (sometimes formerly referred to as “Territorials”). There is also a change for certain Jobseeker’s Allowance claimants who can be treated as available for employment and treated as actively seeking employment. The Appendix to this memo lists the reserve forces to which this guidance applies.

DEFINITION

3. “First year of training” means¹ a period of one year beginning with a person’s first day of training.

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 2(1); ESA Regs (NI), reg 2(1)

TREATED AS AVAILABLE AND TREATED AS ACTIVELY SEEKING EMPLOYMENT – JOBSEEKER’S ALLOWANCE

4. A Jobseeker’s Allowance claimant engaged in their first year of training as a member of a reserve force is treated as available for employment¹ either
 1. If engaged in their first year of training, for a maximum of 43 days in that year **or**
 2. if engaged in annual continuous training, for a maximum of 15 days in any calendar year.

1 JSA Regs (NI), reg 14(1)(u)

5. A Jobseeker’s Allowance claimant taking part in training for three days or more in a week as a member of a reserve force is treated as actively seeking employment¹ either
 1. If engaged in their first year of training, for a maximum of 43 days in that year **or**
 2. If engaged in annual continuous training, for a maximum of 15 days in any calendar year.

1 JSA Regs (NI), reg 19(1)(x)

6. See DMG 26117 for guidance on the meaning of annual continuous training.

ATTRIBUTION OF EARNINGS – JOBSEEKER’S ALLOWANCE, INCOME SUPPORT AND EMPLOYMENT AND SUPPORT ALLOWANCE

7. The rules on the attribution of earnings are amended for any claimant who has earnings derived from being a member of a reserve force
 1. in respect of period of annual continuous training for a maximum of 15 days in any calendar year **or**
 2. in respect of their first year of training for a maximum of 43 days in a year which begins with their first day of training¹

are to be treated as in paragraphs 8 to 10 of this memo.

1 JSA Regs (NI), reg 94(2B); IS (Gen) Regs (NI), reg 29(2B); ESA Regs (NI), reg 91(3A)

8. The earnings, whether paid to the claimant alone or together with other earnings derived from the same source, have to be taken into account
 1. in accordance with the table in paragraph 9 of this memo where this is applicable **or**
 2. in any other case, over a period equal to the number of days of the training period¹.

*1 JSA Regs (NI), reg 94(2B)(a)&(b); IS (Gen) Regs (NI), reg 29(2B)(a)&(b);
ESA Regs (NI), reg 91(3A)(a)&(b)*

9. This is the table¹ referred to in paragraph 8 1.

Period of training in days	Period of time over which earnings are to be taken into account in days
8 to 10	7
15 to 17	14
22 to 24	21
29 to 31	28
36 to 38	35
43	42

1 JSA Regs (NI), reg 94(2B)(a); IS (Gen) Regs (NI), reg 29(2B)(a); ESA Regs (NI), reg 91(3A)(a)

Example 1

Dylan is in receipt of Jobseeker's Allowance and has also recently joined the Army Reserve. He takes part in a training exercise as part of his first year in the Army Reserve. Dylan receives payment in respect of his participation. The payment is for 16 days training. The decision maker takes the payment of earnings into account for a period of 14 days from the date that it is treated as paid (see DMG 25043 et seq and DMG 48048 et seq) as a weekly amount (see DMG 25062 et seq and DMG 48079 et seq). The payment is subject to a disregard.

Example 2

Helen is in receipt of Jobseeker's Allowance and has also recently joined the Army Reserve. She takes part in a training exercise as part of her first year in the Army Reserve. Helen receives payment in respect of her participation. The payment is for 13 days training. The decision maker takes the payment of earnings into account for a period of 13 days from the date that it is treated as paid (see DMG 25043 et seq and DMG 48048 et seq) as a weekly amount (see DMG 25062 et seq and DMG 48079 et seq). The payment is subject to a disregard.

Disregard

10. DMG 26117 – 26119 for Jobseeker's Allowance and Income Support and DMG 49160 – 49163 for Employment and Support Allowance provides guidance on the disregard of earnings derived from service in a reserve force whilst attending annual continuous training. The effect of the disregard means at least 10p a week benefit remains in payment over the period that the earnings are taken into account. The claimant can therefore maintain entitlement to their award of Jobseeker's Allowance, Income Support or income-related Employment and Support Allowance. That guidance also now applies to earnings in respect of the first year of training, for a maximum of 43 days in a year which starts to run on the first day of training¹.

1 JSA Regs (NI), Sch 5, para 19(3); IS (Gen) Regs (NI), Sch 8, para 15A(2); ESA Regs (NI), Sch 7, para 11A(2)

ANNOTATIONS

Please annotate the number of this memo (DMG Memo Vol 4/129, 5/101 & 9/30) against the following DMG paragraphs:

21360, 21759, 25057, 26117, 48073, 49160.

CONTACTS

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APPENDIX

Territorial or reserve forces

1. Royal Fleet Reserve
2. Royal Naval Reserve
3. Royal Marines Reserve
4. Army Reserve
5. Territorial Army
6. Royal Air Force Reserve
7. Royal Auxiliary Air Force
8. The Royal Irish Regiment to the extent that its members are not members of any regular naval, military or air forces of the Crown.